

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to Continue) Case No. 14-1580-EL-RDR
its Cost Recovery Mechanism for Energy)
Efficiency Programs Through 2016.)

ENTRY

The attorney examiner finds:

- (1) By Opinion and Order issued August 15, 2012, in *In re Duke Energy Ohio, Inc.*, Case No. 11-4393-EL-RDR, the Commission approved a stipulation entered into between Duke Energy Ohio, Inc. (Duke) and some of the parties. Specifically, among other things, the Commission approved a cost recovery mechanism that Duke would use for the recovery of program costs, lost distribution revenue, and performance incentives related to Duke's energy efficiency and demand response programs. The stipulation provided for a review of the effectiveness of the incentive mechanism prior to the last year of Duke's portfolio plan. Thus, as the incentive mechanism is due to expire at the end of 2015, it was to be reevaluated no sooner than the third quarter of 2014.
- (2) By Opinion and Order issued December 4, 2013, in *In re Duke Energy Ohio, Inc.*, Case No. 13-431-EL-POR (2013 POR Case), the Commission approved a stipulation that, among other things, provided for the parties to reach an agreement for implementing an incentive mechanism for the year 2016 and then jointly file a mechanism to seek Commission approval in 2015, for use in 2016.
- (3) On September 9, 2014, Duke filed the instant application requesting approval to continue its cost recovery mechanism for energy efficiency programs through 2016. In support of its application, Duke states that the parties in the 2013 POR Case have not reached an agreement for a mechanism to be used in 2016, even though the majority of the parties are in agreement with continuing the existing cost recovery mechanism. Therefore, in accordance with the stipulation in the 2013 POR Case, Duke requests the Commission approve the continuation

of the existing cost recovery and incentive mechanism through the end of 2016.

- (4) By Entry issued October 22, 2014, the attorney examiner set a procedural schedule in this case with November 21, 2014, as the deadline for motions to intervene; December 5, 2014, as the deadline to file comments; and January 9, 2015, as the deadline to file reply comments.
- (5) By Entry issued May 7, 2015, the attorney examiner scheduled a hearing in this matter for June 9, 2015, and directed that any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (6) On June 1, 2015, Staff filed a motion for extension of the procedural schedule and a request for expedited treatment. Staff states that it needs additional time to complete its analysis and prepare its testimony in this case. Therefore, Staff requests the hearing be rescheduled for the week of July 13, 2015, and testimony be due the week of June 29, 2015. Staff states that it consulted with the other parties in this case and no party, with the exception of Duke, objects to the extension of the schedule.
- (7) In light of the fact that the parties are to file testimony by June 2, 2015, in accordance with Ohio Adm.Code 4901-1-12, the attorney examiner finds that an expedite ruling on the motion should be issued. Upon consideration of Staff's June 1, 2015 motion, the attorney examiner finds that it is reasonable and should be granted, in part, such that the hearing will commence the week of July 7, 2015, rather than the later date proposed by Staff.
- (8) Accordingly, the hearing shall be rescheduled and shall commence on July 7, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. Any party intending to present direct, expert testimony should file such testimony and serve it upon all parties no later than June 30, 2015.

It is, therefore,

ORDERED, That Staff's motion for extension of the procedural schedule be granted, in part, on an expedited basis, in accordance with Finding (8). It is, further,

ORDERED, That the hearing be rescheduled to July 7, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Christine M. T. Pirik

By: Christine M.T. Pirik
Attorney Examiner

GAP/dah

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in

Case No(s). 14-1580-EL-RDR

Summary: Attorney Examiner Entry that Staff's motion for extension of the procedural schedule be granted, in part, on an expedited basis, in accordance with Finding (8); and that the hearing be rescheduled to July 7, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793; electronically filed by Debra Hight on behalf of Christine M.T. Pirik, Attorney Examiner.